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Stephen Todd

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10/13/2006

EMC CORPORATION

c/o DALY, CROWLEY, MOFFORD & DURKEE, LLP

354 ATURNPIKE STREET

SUITE 301A

CANTON, MA 02021-2714

EXAMINER

AL HASHEMI, SANA A

ART UNIT

PAPER NUMBER

2164

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/024,796

**Applicant(s)**

TODD ET AL.

**Examiner**

Sana Al-Hashemi

**Art Unit**

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is issued in response to amendment filed 6/5/06.
2. Claims 1-22 are rejected.

### *Claim Rejections - 35 USC § 102*

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Raja (US Patent Application Publication No. 2005/0049903 filed 9/29/03 and a divisional of application 09/452898 which was filed 12/1/1999).

Regarding Claims 1, 21, and 22, Raja discloses a method, apparatus and a computer program product residing on a computer-readable medium for managing workflows in a service provider environment in which a service provider provides data storage resources to a customer, comprising:

providing a customer with a list of types of work order requests based on a permission level associated with the customer, the work order requests (Fig. 2, 282, Raja) comprising requests to manage storage configuration (Paragraph 0041, Raja);

receiving a selection of a type of work order request from the customer (Fig. 2, 280, wherein the template drop down menu corresponds to the selection of work request and get template corresponds to receive the work request, Raja);

enabling the customer to generate a work order request of the selected type in a work order request submission (Fig. 2, “submit & save selected Cells corresponds to enabling to generate since the customer update the fields and save it, Raja);

creating a database object based on the work order request (Fig. 6A, wherein updating contact setup the user is creating a database object based on the work order request, Raja); and

storing the database object in a database (Fig. 6A, wherein the save feature corresponds to storing, Raja).

Regarding Claim 2, Raja discloses a method wherein enabling comprises:

providing to the customer at least one task screen corresponding to the selected type of work order request and usable by the customer to generate the work order request (Fig. 2, Raja).

Regarding Claim 3, Raja discloses a method wherein the work order request comprises values of parameters specific to the selected type of work order request (Paragraph 0045, Raja).

Regarding Claim 4, Raja discloses a method wherein the database object comprises elements that include a customer identifier and the selected type of work order request Fig. 2, 270, wherein the Name and Use ID corresponds to customer identifier, and 210, which corresponds to type of work, Raja).

Regarding Claim 5, Raja discloses a method wherein the elements further include a state to indicate status of the work order request (Fig. 4, 495, Status, Raja).

Regarding Claim 6, Raja discloses a method wherein the state is set to indicate a new work order request initially and later changed to indicate a closed work order request (Paragraph 0083, wherein the marked completed corresponds to closed, Raja).

Regarding Claim 7, Raja discloses a method further comprising:  
assigning a work order request identifier to the work order request (Paragraph 0099, Raja); and  
providing the assigned work order request to the customer (Paragraph 0100, Raja).

Regarding Claim 8, Raja discloses a method wherein the database object is stored in the database as a table entry, the table entry including fields to store information associated with each of the elements (Paragraph 0054, Raja).

Regarding Claim 9, Raja discloses a method wherein the elements further comprise the assigned work order request identifier and the work order request is stored in one of the fields in the table entry (Fig. 3, 310-340, Raja).

Regarding Claim 10, Raja discloses a method further comprising:  
processing the work order request using the table entry (Paragraph 0059, Raja),  
processing comprising  
attempting to perform any tasks required to satisfy the work order request (Paragraph 0061, Raja); and  
updating the state based on the results of the processing (Paragraph 0083, Raja).

Regarding Claim 11, Raja discloses a method wherein updating comprises:

marking the state to indicate that the work order request is closed (Paragraph 0083, wherein the marked completed corresponds to closed, Raja) if such tasks are performed successfully; and

marking the state to indicate a failure if such tasks are not performed successfully (Fig. 19, “Manager Disapproval” corresponds to failure, Raja).

Regarding Claim 12, Raja discloses a method further comprising:  
generating a billable event when the work order request is closed (Paragraph 0083, Raja).; and

storing the billable event in the database in association with the customer identifier and account information (Fig. 7C, 7304, Raja).

Regarding Claim 13, Raja discloses a method wherein work order request submission is in the form of an email (Paragraph 0195, Raja).

Regarding Claim 14, Raja discloses a method wherein work order request submission is in the form of HTTP (Fig. 14, 1460, 1470, wherein sending an email requires the use of the http as disclosed in Paragraph 0109, Raja).

Regarding Claim 15, Raja discloses a method wherein processing is managed by a workflow automation that periodically queries the database to locate any new work order requests based on the state in the table entry for each work order request (Paragraph 0102, Raja).

Regarding Claim 16, Raja discloses a method wherein the processing, updating, and the generating and storing of the billable event are handled by the workflow automation (Paragraph 0116, Raja).

Regarding Claim 17, Raja discloses a method wherein the workflow automation invokes other processes needed to perform the work order request (Paragraph 0121, Raja).

Regarding Claim 18, Raja discloses a method wherein processing is managed manually by an administrator of the service provider (Paragraph 0122, wherein the information is entered by the client/manager which corresponds to manually, Raja).

Regarding Claim 19, Raja discloses a method wherein the processing, updating, and the generating and storing of the billable event are handled manually by the service provider administrator (Paragraph 0122, wherein the information is entered by the client/manager which corresponds to manually, Raja).

Regarding Claim 20, Raja discloses a method wherein the processing, updating, and the generating and storing of billable events are managed manually by the service provider administrator when the state indicates a failure (Paragraph 0125, Raja).

### ***Response to Amendment***

Applicant argue the applied art fails to disclose “ providing a customer with list of types of work order request based on a permission level associated with the customer, the work order request comprising requests to manage storage configuration... creating a database object based on the work order request... .”

Art Unit: 2164

Examiner disagrees. Unpersuasive Argument: Limitation(s) in Preamble In response to applicant's arguments, the recitation [ 1 ] has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Applicant argues that the "a time sheet is simply a mechanism for tracking time spent on a particular project or task, whereas a work order request is a request for a particular task to be performed".

Examiner disagrees. The applicant argues the intended use of the method the and Referring to FIG. 2, all time for a week (260) is entered by a Resource (270) into a single Timesheet and then the system routes the entries to the appropriate approving Project, Client and Cost Center Managers. A cost center manages any non-billable time and expense processing. Cost centers serve at least three significant functions. First, each resource is assigned to a cost center and a cost center manager approves the resource's off-time timesheet entries. Secondly, the cost center is a collection point for all standard costs not directly associated with a project. Finally, the cost center's accounts payable clerk reimburses resources for approved expense sheets. Therefore the cited portion of the Raja discloses a task to be performed as claimed.



**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Point of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sana Al-Hashemi whose telephone number is 571-272-4013. The examiner can normally be reached on 8Am-4:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**CHARLES RONES  
SUPERVISORY PATENT EXAMINER**

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October 5, 2006